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Local Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SIERRA CLUB, et al.,)	Case No. 3:08-cv-01409-WHA
)	
Plaintiffs,)	
)	
v.)	DECLARATION OF ELEUTERIO
)	(TEO) SAENZ
STEPHEN JOHNSON, et al.,)	
)	
Defendants,)	
)	
and)	
)	
SUPERFUND SETTLEMENTS PROJECT, et al.,)	
)	
Defendant-Intervenors.)	

DECLARATION OF ELEUTERIO (TEO) SAENZ
 (Case No. 3:08-cv-01409-WHA) -1-

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1 I, ELEUTERIO (TEO) SAENZ, declare and state as follows:

2 1. I am over the age of 21 and competent to testify to all matters contained herein.

3 2. I reside at 148 E. County Road 2170, Kingsville, Texas. I have lived at 148 E.
4 County Road 2170 in Kingsville, Texas since 1980 along with my wife, Enedelia Saenz.

5 3. I have been a member of the Sierra Club since 2004.

6 4. My wife and I live about 4 miles southwest of Production Area Authorization 3
7 (PAA3) currently being mined for uranium by URI, Inc., a subsidiary of Uranium Resources
8 Incorporated, and we jointly own 30 acres of surface and minerals in Farm Lot 1, Block 42,
9 Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas (KTI), which is
10 directly North (200 feet) of Farm Lot 8 and (about 1200 feet) from Farm Lot 9 in the same Block
11 42 (KTI) with both lots currently being mined for uranium. My wife also owns an undivided
12 mineral interest in Farm Lots 2, 6, 7, 8, 9 and 10 in the Block 42 (KTI) and 6 acres surface in the
13 west corner of Lot 2 in Block 42 (KTI), which are all areas in and directly around uranium in-
14 situ mining operations. My wife's mother, father, sister, brother, and cousins live in an area
15 known as Garcia Hill, which is in Lot 2 and 5 in Block 42 (KTI) of the same area, about 1,000
16 feet west of uranium mining operations.

17 5. Garcia Hill had three water wells tested in 1987 by URI, Inc. that included Garcia
18 #69A, which had uranium levels of 0.05 in May 22, 1987, Garcia #69B tested on the same day
19 with a uranium level of 0.08, and Garcia #69C tested on May 26, 1987 with a uranium level of
20 0.05. One of those drinking water wells had a uranium level of 0.184 in a test conducted on
21 February 5, 1997. A letter from the United States Environmental Protection Agency (EPA),
22 Region 6, in Dallas, Texas advised residents of Garcia Hill not to drink the water because "water
23 samples taken by Uranium Resources, Inc., since 1996, from the storage tank (at Garcia Hill)
24 have shown uranium from five to eight times above EPA's standard." Families had to switch to
25 surface water from the Ricardo Water Co-op at a very significant expense. Our land has become
26 worthless and our water contaminated by a company seeking profit over safety.

27 6. Production Area Authorization 1 of the uranium Kingsville Dome Site (about 3
28

1 miles east of Production Area 3) started in 1988 has yet to be restored, as has Production Area
2 Authorization 2. I believe that URI is responsible for the uranium pollution of the groundwater
3 in Garcia Hill by drilling a very extensive number of investigational wells all over Garcia Hill
4 and by its pre-mining activities prior to 1997. My interest has been adversely affected by
5 lowering the value of the property that I own and by the health hazard that was created when my
6 family and I drank the contaminated water on our visits to Garcia Hill prior to being notified by
7 EPA that the water was unsafe to drink.

8 7. URI, Inc. claimed in the late 1990s that it was not able to mine because of the low
9 price of uranium and that it was unable to restore Production Areas 1 and 2 because it did not
10 have the money to do so. Texas Commission of Environmental Quality (TCEQ) admitted that
11 the bond money set aside for restoration was probably not enough to restore if URI became
12 insolvent and that superfund money was not available for the clean-up. URI held TCEQ and the
13 citizens of Kleberg County hostage with its claim of possible insolvency. By failing to restore,
14 URI has produced safety hazards created by leaks in the lines containing contaminated water,
15 which contaminates the soil and allows radon gas to escape into the atmosphere. Also, failure to
16 restore will make it more difficult to restore the groundwater to baseline conditions, and the
17 visual scars left by exposed lines and equipment has devalued the land around the mining site.

18 8. If the U.S. Environmental Protection Agency required companies that generate
19 hazardous substances, like uranium mines, to provide adequate financial assurance to clean up
20 the pollution caused by their activities, then restoration of the groundwater that residents of
21 Kleberg County, Texas drink would be more likely. Without such financial assurances, I am not
22 sure if the groundwater will ever be cleaned up by URI, or anyone else, and the water will
23 remain contaminated for future generations to drink.

24 9. If the U.S. Environmental Protection Agency requires URI to maintain an
25 adequate financial assurance, which is regularly adjusted and which takes into consideration the
26 fact that restoration will be to baseline and not to an amended value, then adequate funds for
27 clean-up of the mine will be available in the future, and the mine owners, or someone else if
28

1 necessary, will have greater incentive to operate the mine to prevent further pollution of our
2 water which in turn would require a larger bond and a greater amount of money to restore to
3 baseline.

4 10. I am very concerned that other communities in Texas, or elsewhere in the United
5 States, will be adversely affected by uranium mining because EPA has failed to write regulations
6 requiring adequate financial assurance, and I am hopeful that EPA will solve this problem
7 nationally.

8 Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and
9 correct to the best of my knowledge. Executed this 25 day of August, 2008, at Kingsville,
10 Texas.

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13 ELEUTERIO (TEO) SAENZ
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